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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER GONZALEZ NUNEZ,

Defendant.

) NO. 23-mj-71223-MAG-1

) STIPULATED MOTION TO CONTINUE
) HEARING, FINDINGS OF EXCLUDABLE TIME
) PERIOD, AND ORDER

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Northern District of California and Assistant United States Attorney Leif Dautch, and defendant Christopher Gonzalez Nunez ("Defendant"), by and through his counsel of record, Lewis Romero, hereby stipulate as follows:

1. On August 11, 2023, the United States filed a Criminal Complaint charging Defendant with being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1).

2. On August 16, 2023, Defendant made his initial appearance before Magistrate Judge Donna M. Ryu, and was arraigned on the Criminal Complaint. A detention hearing and status on

STIPULATION AND REQUEST TO CONTINUE STATUS CONFERENCE/DETENTION
HEARING, AND TO EXCLUDE TIME AND ORDER

Case No. 23-mj-71223-MAG-1

FILED

Aug 21 2023

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

8/19/2023

1 preliminary hearing was scheduled for August 21, 2023.

2 3. Since that time, the government has produced discovery and extended a plea offer. The
3 parties are close to finalizing a resolution of the case that would involve Defendant being granted a
4 short-term release while on location monitoring before self-surrendering for the remainder of his case.

5 4. Additionally, on Saturday, August 19, 2023, counsel for Defendant notified the
6 government that he has had a death in the family and needs to travel to Southern California before the
7 scheduled hearing on August 21, 2023.

8 5. In light of counsel's unavailability and the substantial progress the parties have made
9 toward resolution of both the substantive charge and the issue of detention, counsel for the United States
10 and counsel for Defendant now jointly stipulate and request to continue the August 21, 2023 status on
11 preliminary hearing and detention hearing in the instant matter until Friday, September 8, 2023, at 10:30
12 a.m., before the Hon. Kandis A. Westmore. The parties also jointly request that the hearing be
13 converted to an arraignment on information and status on detention. The requested continuance is
14 necessary to ensure the appearance of defense counsel, and for the parties to finalize a resolution of the
15 case and a short-term release plan.

16 6. Defense counsel represents that his client understands that he has a right under 18 U.S.C.
17 § 3161(b) to be charged by information or indictment with the offense alleged in the pending criminal
18 complaint within 30 days of his arrest. His client knowingly and voluntarily excludes time under 18
19 U.S.C. § 3161(b) for the period between August 21, 2023, and September 8, 2023, inclusive. Defense
20 counsel further represents that his client knowingly and voluntarily waives the timing for preliminary
21 hearing under Federal Rule of Criminal Procedure 5.1 through September 8, 2023.

22 7. For purposes of computing the date under Rule 5.1 of the Federal Rules of Criminal
23 Procedure for the preliminary hearing, and the date under the Speedy Trial Act by which defendants
24 must be charged by indictment or information, the parties agree that the time period of August 21, 2023,
25 and September 8, 2023, inclusive, should be excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv),
26 because the delay results from a continuance granted by the Court at the parties' joint request, on the
27
28

1 basis of the Court's finding that the continuance is necessary for the effective preparation and
2 availability of counsel.

3 The undersigned Assistant United States Attorney certifies that he has obtained approval from
4 counsel for the defendant to file this stipulation and proposed order.

5 **IT IS SO STIPULATED.**

6
7 ISMAIL J. RAMSEY
8 United States Attorney

9 Dated: 8/19/2023

/s/ Leif Dautch

10 **LEIF DAUTCH**
Assistant United States Attorney

11
12 /s/ Lewis Romero (signed with permission)

13 **LEWIS ROMERO**
Counsel for Defendant Christopher Gonzalez
14 Nunez

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16 **ORDER**

17 Based upon the facts set forth in the stipulation of the parties and for good cause shown, the
18 Court finds that failing to exclude the time from August 21, 2023, and September 8, 2023 would
19 unreasonably deny defense counsel and the defendant the reasonable time necessary for effective
20 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The
21 Court further finds that the ends of justice served by excluding the time from August 21, 2023, and
22 September 8, 2023 from computation under the Speedy Trial Act outweigh the best interests of the
23 public and the defendant in a speedy trial.

24 Therefore, with the consent of the defendant, and taking into account the public interest in the
25 prompt disposition of criminal cases, the Court finds good cause exists for extending the time limits for
26 a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time
27 period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). *See Fed.*

1 R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

2 With the consent of the parties, IT IS HEREBY ORDERED that the time from August 21, 2023,
3 and September 8, 2023 shall be excluded from computation under the Speedy Trial Act (18 U.S.C. §
4 3161(h)(7)(A), (B)(iv); 18 U.S.C. § 3161(b)) and the time limits for conducting a preliminary hearing
5 are extended under Rule 5.1(d) of the Federal Rules of Criminal Procedure. The matter is reset from
6 August 21, 2023, to September 8, 2023, at 10:30 a.m., for status on detention and arraignment on
7 information.

8 **IT IS SO ORDERED.**

9
10 DATED: August 21, 2023

